

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2016-090764

03/09/2016

HONORABLE JENNIFER E. GREEN

CLERK OF THE COURT

T. Galindo

Deputy

IN RE THE MATTER OF
MARIO MENDOZA

MARIO MENDOZA
235 W 8TH AVE # 4
MESA AZ 85210

AND

GLORIA LACHANCE

GLORIA LACHANCE
1006 E 9TH AVE
MESA AZ 85204

TASC - MESA

MINUTE ENTRY

Courtroom SEF 401

10:42 a.m. This is the time set for return hearing on Father's Petition to Establish Legal Decision-Making and Parenting Time filed on February 26, 2016. Petitioner/Father, Mario Mendoza, is present on his own behalf. Respondent/Mother, Gloria LaChance, is not present.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Father advises the Court that he served Mother on February 27, 2016 for today's hearing.

IT IS ORDERED Father shall file an affidavit of service no later than 5:00 p.m. today.

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THE COURT FINDS that Father served Mother in person for today's hearing on February 27, 2016. Mother had notice of today's hearing and is voluntarily waiving her appearance.

Mario Mendoza is sworn and testifies.

Upon presentation of the evidence,

IT IS ORDERED reversing the order of February 26, 2016. The Court will grant the emergency order awarding all parenting time and sole legal decision-making to Father.

IT IS FURTHER ORDERED Mother may have up to eight hours of supervised parenting time at either Arizonans for Children or Parenting Skills. Mother shall bear all costs associated with her parenting time.

IT IS FURTHER ORDERED that Father shall undergo hair follicle drug testing on the following basis:

- A. Agency. Father's drug testing shall be conducted at a location of TASC, Inc., the main office of which is at 2234 North 7th Street, Phoenix, Arizona, 602-254-7328. Other locations are listed on the TASC referral form and may be viewed at www.tascaz.org.
- B. First Test. Father shall report to TASC no later than **5:00 p.m. today** for his first test.
- C. Scope. Father shall undergo a full spectrum substance and drug test by hair follicle for each test ordered herein.
- D. Cooperation. Father shall cooperate fully as reasonably required by the testing agency to comply with this Order, including:
 - 1. Father shall provide such samples as are reasonably required by the testing agency to comply with this order.
 - 2. Father shall timely report for testing and provide samples as directed by the testing agency.
 - 3. Father shall present photo identification to the testing agency at the time of each test.

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4. Father shall sign and deliver such forms of consent, authorization and release of test results as shall be reasonably required by the testing agency to comply with this Order.
- E. Cost. Father shall pay the cost of his testing (\$65.00 per test) in money order or cashier's check at the time of testing.
- F. Frequency & Duration. Father shall be randomly tested one time.
- G. Positive/Diluted/Missed Test. All parties are advised that the failure, neglect or refusal to participate in testing, or providing a diluted test sample at the time of testing, may be considered an admission by the party that the testing, if properly conducted, would have revealed the use of the substance(s) tested for, which finding is contrary to the best interest of a child. Certain prescription medications may cause a positive drug test result. Parties who are required to drug test are expected to provide proof to the court of prescriptions and documentation from health care providers regarding the lawful possession and use of those medications.
- H. Reporting. The parties are hereby advised that test results ARE NOT confidential and will be filed in the Court file upon receipt by the Court. The results of each test shall be reported directly to counsel for both parties, or directly to the parties at the addresses provided by the parties to the testing agency, if unrepresented by counsel. The testing agency shall also provide this Court with a Monthly Drug Test Summary Report if applicable.

ISSUED: *Court-Ordered Substance Abuse Testing form*

IT IS ORDERED that Mother shall undergo hair follicle drug testing on the following basis:

- A. Agency. Mother 's drug testing shall be conducted at a location of TASC, Inc., the main office of which is at 2234 North 7th Street, Phoenix, Arizona, 602-254-7328. Other locations are listed on the TASC referral form and may be viewed at www.tascaz.org.
- B. First Test. Mother shall report to TASC no later than **5:00 p.m. March 16, 2016** for her first test.
- C. Scope. Mother shall undergo a full spectrum substance and drug test by hair follicle for each test ordered herein.

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- D. Cooperation. Mother shall cooperate fully as reasonably required by the testing agency to comply with this Order, including:
1. Mother shall provide such samples as are reasonably required by the testing agency to comply with this order.
 2. Mother shall timely report for testing and provide samples as directed by the testing agency.
 3. Mother shall present photo identification to the testing agency at the time of each test.
 4. Mother shall sign and deliver such forms of consent, authorization and release of test results as shall be reasonably required by the testing agency to comply with this Order.
- E. Cost. Mother shall pay the cost of her testing (\$65.00 per test) in money order or cashier's check at the time of testing.
- F. Frequency & Duration. Mother shall be randomly tested one time.
- G. Positive/Diluted/Missed Test. All parties are advised that the failure, neglect or refusal to participate in testing, or providing a diluted test sample at the time of testing, may be considered an admission by the party that the testing, if properly conducted, would have revealed the use of the substance(s) tested for, which finding is contrary to the best interest of a child. Certain prescription medications may cause a positive drug test result. Parties who are required to drug test are expected to provide proof to the court of prescriptions and documentation from health care providers regarding the lawful possession and use of those medications.
- H. Reporting. The parties are hereby advised that test results ARE NOT confidential and will be filed in the Court file upon receipt by the Court. The results of each test shall be reported directly to counsel for both parties, or directly to the parties at the addresses provided by the parties to the testing agency, if unrepresented by counsel. The testing agency shall also provide this Court with a Monthly Drug Test Summary Report if applicable.

IT IS ORDERED setting this matter for **temporary orders hearing** on **April 5, 2016 at 11:00 a.m.** before:

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

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03/09/2016

Honorable Jennifer E. Green
Southeast Judicial District
Courtroom 401
222 East Javelina Avenue
Mesa, Arizona 85210

Time Allotted: 30

IT IS FURTHER ORDERED the Court will hear testimony by avowals at the hearing. Each side will get approximately 15 minutes.

IT IS FURTHER ORDERED that the parties shall file and provide this division with a copy of a Joint Pre-Hearing Statement pursuant to Rule 76, Arizona Rules of Family Law Procedure, no later than **March 29, 2016**.

EXHIBIT MARKING

IT IS FURTHER ORDERED that no less than five (5) business days prior to the Hearing, the parties and, if represented, counsel shall provide to the clerk of this division any exhibits they shall seek to admit into evidence. **All exhibits must be clearly identified, separated by a COLORED sheet and hand delivered to the Clerk of this Division no later than 12:00 p.m. on March 29, 2016. All exhibits shall be hand-delivered directly to court staff at this Division's suite.** Exhibits shall not be presented for marking that have not been previously exchanged. No duplicate exhibits shall be presented for marking. Failure to obey these orders may result in exclusion of the exhibit and/or waiver of objections. **Note: Please provide a bench copy of the exhibits.**

NOTE: We do not hold spots for supplemental exhibits.

FAILURE TO APPEAR

If either party fails to appear for the hearing, the hearing may nevertheless proceed, and relief may be entered in favor of the party who has appeared. If both parties fail to appear, the hearing may be vacated and/or the action may be dismissed.

STIPULATIONS TO RESOLVE ISSUES

The parties may present to the Court a stipulation resolving any issues for immediate entry should the entire case be settled.

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POSTPONEMENTS AND SCHEDULE CHANGES

Postponements and schedule changes will not ordinarily be granted. Any postponement or change will be granted only in accordance with appropriate rules, based on a showing of good cause, and requires the express written approval of the Court.

NO CHILDREN IN COURT

A child should not be brought to the Courthouse to be present during a court proceeding except in the circumstance that the child is to be interviewed by the Judge in chambers or unless the child's presence is otherwise required for the court proceeding. Whenever a child is brought to the Courthouse, it is the responsibility of the party who brings the child to arrange for appropriate care and supervision of the child outside of the courtroom and judicial offices. The duties of Court personnel do not permit them to perform this function.

RECORDING INFORMATION

All court proceedings are recorded by audio and video method and not by a court reporter. Pursuant to Local Rule 2.22, if a party desires a court reporter for any proceeding in which a court reporter is not mandated by Arizona Supreme Court Rule 30, the party must submit a written request to the assigned judicial officer at least ten (10) judicial days in advance of the hearing, and must pay the authorized fee to the Clerk of the Court at least two (2) judicial days before the proceeding. The fee is \$140 for a half-day and \$280 for a full day.

11:02 a.m. Hearing concludes

IT IS FURTHER ORDERED signing this Minute Entry this 9th day of March, 2016.

/s/ HONORABLE JENNIFER E. GREEN

HONORABLE JENNIFER E. GREEN
JUDICIAL OFFICER OF THE SUPERIOR COURT

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.